

Ira G. Greenberg
LOCKE LORD LLP
Attorneys for Defendant White Fox Ventures
200 Vesey Street, suite 2001
New York, NY 10281
(212) 415-8600
Ira.greenberg@lockelord.com

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DATE FILED: 11/06/2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BREATHE LLC, et al.,

Plaintiffs,

No. 17 Civ. 367 (VM)

versus

WHITE FOX VENTURES, INC., et al.,

STIPULATION AND ORDER

Defendants.
-----X

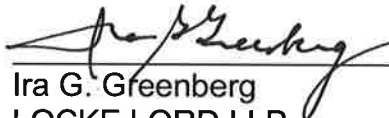
WE STIPULATE that:

1. Proposed count II (§§ 28-37) of the proposed second amended complaint, which is annexed as exhibit A to plaintiffs' motion to amend [Dkt. No. 54-1], is withdrawn. As so modified, leave to amend is granted.
2. The second amended complaint as so modified is deemed filed and served as of the date of this stipulation.
3. Defendants shall have ten days from the date of this stipulation to answer or move with respect to the second amended complaint.
4. Discovery shall not be reopened.

5. The time of any party to submit a letter request to make a summary judgment motion is extended to and including December 1, 2017.

Dated: New York, NY
November 2, 2017

Christopher Brown
BROWN & ROSEN LLC
Attorneys for Plaintiffs
100 State Street, suite 900
Boston, MA 02109
(617) 728-9111
cbrown@brownrosen.com



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Seth M. Shaw
Defendant Pro Se
27 Edward Road
Hopewell Junction, NY 12533
(917) 796-9926
sshaw@tauriga.com

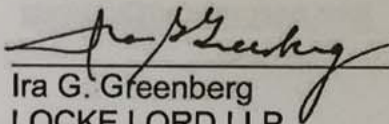
SO ORDERED:

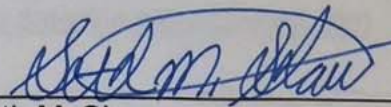
Sarah Netburn, U.S.M.J.

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Dated: New York, NY
November 2, 2017

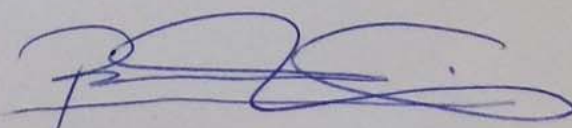
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sshaw@tauriga.com

SO ORDERED:

Sarah Netburn, U.S.M.J.


BETH L. SIMS
Notary Public, State of New York
No. 02SI6216091
Qualified in Dutchess County
Commission Expires 01/11/2018

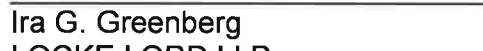
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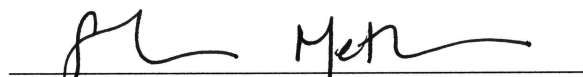


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SO ORDERED:



SARAH NETBURN
United States Magistrate Judge

AM 67521094.1

DATED: November 6, 2017
New York, New York

cc: Seth M. Shaw (*by Chambers*)
27 Edward Road
Hopewell Junction, NY 12533